

TITLE 11
DEPARTMENT OF HEALTH
CHAPTER 158
Venereal Disease

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Historical Note: Chapter 158 of Title 11, Administrative Rules, is based substantially upon Public Health Regulations, Chapter 10. [Eff 6/26/76; R NOV 5 1981]

§11-158-1 Purpose.

The purpose of these rules is to enumerate the diseases covered by this chapter and to provide uniform venereal disease control and prevention measures. [Eff NOV 5 1981] (Auth: HRS §§521-1, 521-9, 521-51, 525-1, 325-13) (Imp: HRS §§325-1, 525-13)

§11-158-2 Definitions.

Whenever used in these rules unless the context otherwise requires:

"Contact" means any person having been sexually exposed to an infected venereal disease patient during the critical period of the patient's infection.

"Critical period" means the time interval during which the patient had symptoms of disease plus the maximum incubation period possible for that disease and stage. "Department" means the department of health of the State of Hawaii.

"Director" means the director of health, State of Hawaii, and includes any officer, employee or agent of the department authorized by the director to act in his behalf.

"Physician" means a person duly licensed to practice medicine and surgery in the State of Hawaii.

"Suspect" means any person identified by a venereal disease infected patient as a sexual contact, and any person with a positive serologic test for syphilis or a positive bacteriological culture for venereal disease.

"Venereal Disease" means gonorrhea, syphilis (lues), chancroid (ulcus molle, soft chancre), granuloma inguinale (donovaniasis, granuloma venereum), lymphogranuloma venereum (lymphogranuloma inguinale, lymphopatheae venereum), and any other disease which may be sexually transmitted and is or may be amenable to control. [Eff NOV 5 1981] (Auth: HRS §§321-9, 321-31, 325-13) (Imp: HRS §§321-31, 525-13)

§11-158-3 Venereal Disease as a public health problem.

Venereal diseases are declared by the director to be infectious and communicable and dangerous to the public health. [Eff NOV 5 1981] (Auth: HRS §§321-1, 321-9, 321-31, 325-1, 325-13) (Imp: HRS §§325-1, 325-13)

§11-158-4 Source and spread of infection.

With only very rare exception, venereal diseases are spread by intimate body contact with infected individuals. To discover the source and possible spread of infection in every case of venereal disease, interviewing of patients and tracing of sexual contacts are fundamental features of a program for control. As the period of communicability varies among the several diseases and can be as much as four years and since the technique for interviewing patients and tracing of their sexual contacts is an exacting one, the physician is urged to utilize the facilities of the department to perform these epidemiologic services. It is the responsibility of any person infected with a venereal disease to either disclose the name, residence, and other identifying characteristic of any person with whom the patient has had sexual contact during the critical period of infection, or to bring those individuals forward for diagnosis and treatment. [Eff NOV 5 1981] (Auth: HRS §§321-1, 321-31, 325-13) (Imp: HRS §321-31)

§11-158-5 Failure to take treatment.

If any person having a venereal disease in the communicable stage fails to report for treatment or fails to

complete the course of therapy in accordance with the schedule prescribed by his/her physician, the physician shall report that fact within 24 hours to the director. [Eff NOV 5 1981] (Auth: HRS §§321-1, 325-13) (Imp: HRS §§321-31, 325-2)

§11-158-6 Blood samples.

Blood samples of pregnant women and prevention of blindness at childbirth are required. Every physician attending a pregnant woman in the State for conditions relating to her pregnancy during the period of gestation or at delivery, shall, in the case of every woman so attended take or cause to be taken a sample of the blood of the woman, and shall submit the sample to an approved laboratory for a standard serologic test for syphilis. Every other person permitted by law to attend pregnant women in the State, but not permitted by law to take blood samples, shall cause a sample of the blood of every pregnant woman attended by him to be taken by a duly licensed physician and shall have the sample submitted to an approved laboratory for a standard serologic test for syphilis. The samples of blood shall be taken at the time of the first visit and at the time of delivery of the pregnant woman or within fourteen days thereafter. Every pregnant woman shall permit the sample of her blood to be taken by a licensed physician as herein above provided. [Eff NOV 5 1981] (Auth: HRS §§325-51, 325-55) (Imp: HRS §325-51)

§11-58-7 Prevention of blindness at childbirth.

Any physician, midwife or any other person in attendance in childbirth shall administer prophylaxis for acute infectious conjunctivitis of the newborn within one hour after birth. Acute infectious conjunctivitis of the newborn includes gonorrheal ophthalmia and ophthalmia neonatorum. The prophylaxis for acute infectious conjunctivitis of the newborn shall be one of the following:

- (1) One (1) percent silver nitrate in wax ampules administered without saline irrigation.*
- (2) Ophthalmic ointments containing tetracycline or erythromycin.*

Other materials may be used only upon the written approval by the department and subject to such conditions and restrictions as the department may impose. The department will consider granting a waiver only after the physician has submitted

- (1) the reason for the request and*
- (2) appropriate justification for an effective alternative method. [Eff. NOV 5 1981] (Auth: HRS §§321-1, 321-31, 321-101, 321-111, 325-5, 325-8, 325-32, 325-36) (Imp: HRS §321-1)*

§11-158-8 Medical examination of persons suspected of having a venereal disease.

Any person identified as a suspect may elect to have a medical examination in lieu of quarantine. Any person so electing shall immediately have the examination and permit the examining physician to take specimens of blood and bodily discharges for laboratory study. Persons may have the examination conducted at his/her expense by his/her private physician, provided, however, that the extent and completeness of the examination meets with

the approval of the director. Medical services for the examination and possible treatment may be provided by the department as described in §11-158-9. [Eff NOV 5 1981] (Auth: HRS §§321-31, 325-8, 325-13) (Imp: HRS §§321-31, 325-8)

§11-158-9 Evaluation and treatment.

Any person who suspects he/she has a venereal disease may apply to the department or to the director for medical evaluation and treatment for which he or she may be unable otherwise to pay for or obtain. Medical services may be furnished at places designated by the director. [Eff NOV 5 1981] (Auth: HRS §§321-31, 325-5, 325-13) (Imp: HRS §§321-31, 325-13, 325-5)

§11-158-10 Laboratory services and anti-venereal disease drugs.

Laboratory services for the detection of venereal disease and drugs for treatment of venereal disease may be furnished by the director from available funds to private physicians and institutions, for evaluation and treatment of persons unable to pay for or otherwise obtain such medical services. Any physician or institution receiving such drugs and services may not charge the patient for the same and shall be strictly accountable for their proper use. [Eff NOV 5 1981] (Auth: HRS §§321-21, 325-5, 325-13) (Imp: HRS §§321-31, 325-5, 325-13)

§11-158-11 Reports of venereal disease by physicians.

All cases of venereal disease diagnosed and/or treated by a physician shall be reported to the department as prescribed by department of health administrative rule 11-156, Communicable Disease. [Eff NOV 5 1981] (Auth: HRS §§321-1, 321-2, 321-9, 321-31, 325-13) (Imp: HRS §§325-2, 325-3, 325-13)

§11-158-12 Reports of venereal disease by laboratories.

(a) All laboratories conducting tests for venereal disease shall immediately report to the department, as they occur, all reactive or positive tests for venereal disease. On the island of Oahu, such report shall be made to the venereal disease control office and on the neighbor islands such report shall be made to the district health officer of the county in which the tests were conducted. The report shall be in writing on a form prescribed by the director and shall contain such information as the director may require.

(b) All laboratories performing serological tests for syphilis shall submit to the laboratories branch of the department a sufficient portion of any specimen which has been found reactive (including weakly reactive) to any test for syphilis for the purpose of confirmation of the reaction and for further definitive testing. Specimen identification shall include the patient's name, age, sex, the name and address of the attending physician, the date of collection and the test results. [Eff NOV 5 1981] (Auth: HRS §§ 321-1, 321-2, 321-9, 521-10, 325-13) (Imp: HRS §§325-3, 325-4)

§11-158-13 Confidential nature of venereal disease reports.

All information, reports, records, and examinations held by the department relating to a known or suspected case of venereal disease shall be strictly confidential. Such information shall not be released or made public, except that release made be made under the following circumstances:

- (1) Release is made of medical or epidemiological information for statistical purposes in a manner so that no individual person can be identified; or*
- (2) Release is made of medical or epidemiological information with the consent of all persons identified in the information released; or*
- (3) Release is made of medical or epidemiological information to the extent necessary to enforce the provisions of the chapter and related rules and regulations concerning the control and treatment of venereal disease; or*
- (4) Release is made of medical or epidemiological information to medical personnel in a medical emergency to the extent necessary to protect the health or life of the named party; or*
- (5) In a case involving a minor under eighteen years of age, the name of the minor and medical information concerning the minor may be reported to the department of social services and housing if the minor is suspected of being child abuse victim. [Eff NOV 5 1981] (Auth: HRS §325-13) (Imp: HRS §§325-4, 325-54, 350-1)*

§11-158-14 Severability.

If any provision of this chapter, or its application to any person or circumstances, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this chapter, shall not be effected thereby. [Eff NOV 5 1981] (Auth: HRS §325-13) (Imp: HRS §325-13)

§11-158-15 Penalty provisions.

Penalty for failure to comply with these rules shall be as provided in 325-14, 325-54 and 325-56, HRS, whichever is applicable. [Eff NOV 5 1981] (Auth: HRS §5325-13, 325-55)